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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/521,422

09/23/2005

Alistair Royse

3029-086/NP

2094

27572 7590 12/28/2006
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EXAMINER

ANDERSEN, MICHAEL T

ART UNIT

PAPER NUMBER

3734

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

12/28/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/521,422

Applicant(s)

ROYSE ET AL.

Examiner

M. Thomas Andersen

Art Unit

3734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/14/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Acknowledgement is made of the claim to benefit of PCT application number WO 03/011150, filed on 07/26/2002.

Information Disclosure Statement

The information disclosure statement (IDS) received on 1/14/2005 is acknowledged. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information disclosure statement.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams, U.S. 4,112,944.

Claims 1, 8, 16: Williams discloses a tube clamp capable of use in surgery. The clamp comprises opposed clamping members pivotally movable, and a ratchet device operative during closing movement to retain the clamping members in a selected, closed, clamping condition. The clamp is formed as a one-piece plastics moulding. See col. 2, lines 59-60.

Claim 2: The ratchet device comprises a series of ratchet teeth in an arcuate array.

Claim 3: The arms have an open configuration in which the arms define a V-shaped configuration (figure 2) and a closed configuration in which the arms are approximately parallel (figure 4). The arms have at their remote ends ratchet teeth and a limb formed with the ratchet teeth.

Claim 4: The clamping members are of post-like form extending in a plane directed transversely to a plane containing the arms of the clamp. Figure 2.

Claims 5, 9: The clamping faces of the opposed clamping members are inclined one relative to the other so as to converge in a direction towards tip portions of the clamping members. Figure 4.

Claim 6: The clamping faces can be said to be inclined at an angle of approximately 4 to 6 degrees so as to converge at an included angle of approximately 8 to 12 degrees. Figure 2.

Claim 7: The clamp is formed as a one-piece plastics moulding with the pivot being formed by a hinge consisting of a flexible web of plastics material interconnecting the adjacent ends of the two arms. Figure 2. Col. 2, lines 59-60.

Claim 10: The clamp faces are substantially planar. Figure 4.

Claim 11: The clamping posts are each of a tapered shape, narrowing towards its distal end. Figure 2.

Claim 12: The arms are pivotally interconnected at a hinge zone and each arm carries a post 42.

Claim 13: The ratchet device has interchangeable ratchet teeth formed on the respective arms; the teeth are disengageable to release the clamp by flexing movement

permitted by the inherent flexibility of the plastics material from which the clamp is formed. Cf. figures 2, 4.

Claim 14: The arms are formed with projections, e.g. 24.

Claim 15: The arms are provided with holes, e.g. 36, 12.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Durham, U.S. 4,835,824 disclosing a medical clamp; MacNeil, U.S. 4,346,869 disclosing a tube clamp; Porter, U.S. 5,676,676 disclosing a ligating clip having ratchet ends; LeVeen, U.S. 4,390,019 disclosing a blood vessel clamp.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Thomas Andersen whose telephone number is (571) 272-8024. The examiner can normally be reached on M-F 8AM-4:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hayes can be reached on (571) 272-4959. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/521,422
Art Unit: 3734

Page 5

M. Thomas Andersen

December 18, 2006

A handwritten signature in black ink, appearing to read "M J Hayes", with a stylized flourish at the end.

MICHAEL J. HAYES
SUPERVISORY PATENT EXAMINER